

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated November 18, 2004. Reconsideration and allowance of the application in view of remarks to follow is respectfully requested.

Claims 1-19 are pending in this application of which Claims 1, 9, 10, and 17 are independent claims.

In the Office Action, Claims 1-19 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,822,418 to Yacenda ("Yacenda") in view of U.S. Patent No. 5,031,228 to Lu ("Lu"). These rejections are respectfully traversed herein.

As a first matter, it must be noted that the rejections contained in this Office Action are merely an exact duplicate of the rejections contained in the prior April 21, 2004 Office Action. Yet, in this Office Action on page 5, section numeral "3" it is stated that the "Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection."

While the following portion of section 3 of the Office Action purports to address the Applicant's arguments presented in a July 21, 2004 Amendment, a careful review makes clear that a large portion of the supposed "Responds to Arguments" contained in section 3 of the Office Action is merely a copy of the section 2 rejection. Since this section 2 rejection never dealt with the

arguments provided in the July 21, 2004 Amendment, the Applicants are put in a position wherein there is no means to provide further details of the errors made in the analysis of Yacenda and Lu. In fact, most of the arguments provided by the Applicants in the April 21, 2004 Amendment are never addressed (e.g., see, last paragraph on page 8 of the Amendment where it is stated that "Yacenda merely shows features that are similar to those shown ..."; first full paragraph on page 9 of the Amendment where it is stated that "[t]he sections out of Lu that are cited are misstated ..." and that "neither the cited references nor these additional references are first appropriately combined ..."). Rather than provide an exact copy of the Applicant's arguments previously presented, the Examiner is respectfully urged to consider each of the arguments presented in the July 21, 2004 Amendment including the ones above and the additional ones provided therein. Further, the Applicants respectfully request that either Claims 1-19 be allowed or that the arguments provided be addressed in a newly issued Office Action that actually discusses the argument provided by the Applicants.

It is noted by the Applicants that the grounds for rejection of Claims 18 and 19 contained in the last paragraph of page 4 and the first paragraph of page 5 of the Office Action are newly provided since Claims 18 and 19 were only first presented by the Applicants in the July 21, 2004 Amendment. The rejection of Claim

18 states that "Yacenda teaches if no known persons are identified in any region, the control unit directs an incoming call to a region where any person is detected (Fig. 23A, 1838)." However, a review of the flow diagram shown in FIG. 23A of Yacenda makes clear that Yacenda shows that if no members of the group are detected, step 1840 indicates that a message is provided to the caller followed by a disconnect in step 1842. In fact, Yacenda is silent as to the subject matter of Claim 18.

The rejection of Claim 19 states that (emphasis provided) "Yacenda teaches if a known person is in a region wherein no phone is present, the control unit will direct an incoming call for that known person to an adjacent region where a phone is present (FIG. 24A, 1922)." However, a review of the flow diagram shown in FIG. 24A of Yacenda makes clear that, as a first matter, FIG. 24A addresses how a message may be routed to a called party, and is silent with regard to an incoming call. This is clear by the entry portion to the flow diagram that is labeled "MESSAGE" originating in FIG. 24 and is described in Col. 17, lines 31-52 wherein it is stated that (emphasis provided) "FIG. 24 illustrates an example of the optional flow for providing messages to individuals who are unavailable or whose telephones are busy. An unavailable individual is defined as an individual who is not located by the locator system, or does not answer an incoming call or who has

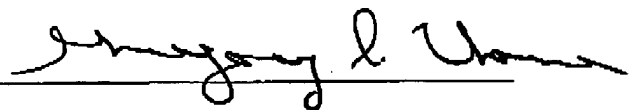
activated the DND function." Lines 48-51 makes clear that FIG. 24A merely shows a voice mail function that is known and commercially available. In fact, Yacenda is silent as to the subject matter of Claim 19.

Accordingly, reconsideration and allowance of each of Claims 1-17 and Claims 18 and 19 is respectfully requested.

The Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By 

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